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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,339	04/18/2006	Jung Soo Ha	075820-0013	9401

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MCDERMOTT WILL & EMERY LLP
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WASHINGTON, DC 20005-3096

EXAMINER

KANG, IRENE S

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3693

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,339	Applicant(s) HA ET AL.
	Examiner IRENE KANG	Art Unit 3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication by Frank S. Yuan (Publication No.: US 2002/0038277) in view of Cole et al. (Publication No.: US 2002/0161707).

As to Claim 1, *Yuan* teaches a method for providing a partial payment in the electronic commerce via the Internet (see at least Abstract, ¶[0002], ¶[0003], and ¶[0005]), the method comprising the steps of:

receiving request information for purchase of goods from a user (see at least ¶[0004], ¶[0099], and ¶[0176] through ¶[0178]);

in response thereto, transmitting information on purchase particulars related to said goods to the user (see at least ¶[0004], ¶[0009], and ¶[0160] through ¶[0178]);

performing a partial payment, based on the selection information (see at least Abstract, ¶[0013], ¶[0027], ¶[0112], ¶[0117], and ¶[0133]);

transmitting result information of the performed payment to the user (see at least Abstract, Figure 7, ¶[0072], ¶[0084], and ¶[0087]); and

transmitting request information for sale of said goods based on said result information of the performed payment (see at least Abstract, Figure 8, ¶[0072], ¶[0084], and ¶[0087]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose transmitting payment means information including a plurality of payment means to the user and receiving selection information on at least two payment means from the user. *Cole* does teach transmitting payment means information including a plurality of payment means to the user and receiving selection information on at least two payment means from the user (see at least Abstract, Figure 28, ¶[0006], ¶[0013], ¶[0015]). It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

As to Claim 2, *Cole* teaches that said plurality of payment means comprise at least one selected from a group consisting of cash, a credit card and a mobile phone (see at least Abstract, Figure 31, ¶[0015],).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose that said plurality of payment means comprise at least one selected from a group consisting of cash, a credit card and a mobile phone. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

As to Claim 3, *Cole* teaches the method further comprising the steps of, in case that a cash payment is included in the selection information, transmitting account information to the user and receiving information on receipt of money related to the account wherein said request information for sale is transmitted after receiving the information on receipt of money (see at least Abstract, Figure 26, Figure 27, Figure 33, ¶[0015], ¶[0016], ¶[0068], ¶[0130]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose the method further comprising the steps of, in case that a cash payment is included in the selection information, transmitting account information to the user and receiving information on receipt of money related to the account wherein said request information for sale is transmitted after receiving the information on receipt of money. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

As to Claim 4, *Cole* teaches that said plurality of payment means comprise at least two different credit cards (see at least Abstract, Figure 11, ¶[0013], and ¶[0099]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose that said plurality of payment means comprise at least two different credit cards. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

As to Claim 5, *Yuan* teaches that an amount of money related to purchase of said goods exceeds a predetermined value (see at least ¶[0096], ¶[0097], and ¶[0098]).

As to Claim 6, *Cole* teaches that said plurality of payment means comprise a plurality of credit cards and the number of the credit cards is restricted below a predetermined number (see at least Abstract, Figure 11, ¶[0013], and ¶[0099]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose that said plurality of payment means comprise a plurality of credit cards and the number of the credit cards is restricted below a predetermined number. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

As to Claim 7, *Yuan* teaches a method for providing a partial payment in the electronic commerce via the Internet (see at least Abstract, ¶[0002], ¶[0003], and ¶[0005]), the method comprising the steps of:

receiving request information for purchase of goods from a user (see at least ¶[0004], ¶[0099], and ¶[0176] through ¶[0178]);

in response thereto, transmitting information on purchase particulars related to said goods to the user (see at least ¶[0004], ¶[0009], and ¶[0160] through ¶[0178]);

receiving purchase cancellation information from the user (see at least ¶[0112], ¶[0118], and ¶[0133]);

calculating a refund based on said information on the purchase particulars (see at least ¶[0112], ¶[0118], and ¶[0133]); and

performing partial payment cancellation in association with said refund (see at least Abstract, ¶[0112], ¶[0118], and ¶[0133]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose that as the step of performing a payment for said goods, generating a transaction table in association with said payment and wherein the step of performing partial payment cancellation adds entry information associated with said refund to the transaction table. *Cole* teaches that as the step of performing a payment for said goods, generating a transaction table in association with said payment and wherein the step of performing partial payment cancellation adds entry information associated with said refund to the transaction table (see at least Figure 30, Figure 31, Figure 32, Figure 33, Figure 35, ¶[0099], ¶[0154] through ¶[0160], ¶[0166], ¶[0168], ¶[0169], and ¶[0170]). It would have been obvious to one having ordinary skill in the art at the time of the

invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

As to Claim 8, *Yuan* teaches a method for providing a partial payment in the electronic commerce via the Internet (see at least Abstract, ¶[0002], ¶[0003], and ¶[0005]), the method comprising the steps of:

receiving request information for purchase of goods from a user (see at least ¶[0004], ¶[0009], and ¶[0176] through ¶[0178]);

in response thereto, transmitting information on purchase particulars related to said goods to the user (see at least ¶[0004], ¶[0009], and ¶[0160] through ¶[0178]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose the step of performing a payment for said goods, generating a transaction table in association with said payment; receiving request information for change of goods from the user; calculating a difference in an amount of payment, associated with said request information for change of goods; performing an additional payment for said difference; and wherein the step of performing an additional payment adds entry information associated with said difference to the transaction table. *Cole* teaches the step of performing a payment for said goods, generating a transaction table in association with said payment; receiving request information for change of goods from the user; calculating a difference in an amount of payment, associated with said request information for change of goods; performing an additional payment for said difference; and wherein the step of performing an additional payment adds entry information associated with said difference to the transaction table (see at least Figure 30, Figure 31, Figure 32, Figure 33,

Figure 35, ¶[0099], ¶[0154] through ¶[0160], ¶[0166], ¶[0168], ¶[0169], ¶[0170], and ¶[0189] through ¶[0194]). It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

As to Claim 9, *Cole* teaches that the transaction table includes a key for indicating particulars of goods, and said key for indicating particulars of goods is stored using a session variable (see at least Figure 35, and ¶[0168] through ¶[0171]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose that the transaction table includes a key for indicating particulars of goods, and said key for indicating particulars of goods is stored using a session variable. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

Claim 10 is a computer readable record medium recording a program for implementing the method according to Claim 1 and thereby rejected on the same grounds as Claim 1.

Claim 11 is a system for performing the method according to Claim 1 and thereby rejected on the same grounds as Claim 1.

As to Claim 12, *Cole* teaches that the transaction table includes a key for indicating particulars of goods, and said key for indicating particulars of goods is stored using a session variable (see at least Figure 35, and ¶[0168] through ¶[0171]).

Although *Yuan* substantially teaches the disclosed invention, it does not specifically disclose that the transaction table includes a key for indicating particulars of goods, and said key for indicating particulars of goods is stored using a session variable. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the features of *Cole* into the invention of *Yuan* since both invention look to increase convenience for users of related payment systems and methods in electronic commerce.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because some of the Applicant's claims have been disclosed in these publications:

1. Publication No. US 2002/0022966 filed by Michael J. Horgan, on April 19, 2001 and titled: "Method and System for Ubiquitous Enablement of Electronic Currency".
2. Publication No. US 2005/0038740 filed by John W.L. Ogilvie, on August 21, 2003 and titled: "Promoting Savings by Facilitating Incremental Commitments Made With Credit Card and Other Consumer-Related Transactions".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRENE KANG whose telephone number is (571)270-3611. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/IRENE KANG/
Examiner, Art Unit 3693
7/9/2008